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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ROBERT HUTSON,) 3:12-cv-0527-LRH-VPC
10 Plaintiffs,)
11 vs.) **SCREENING ORDER**
12 DEPUTY DIRECTOR FOSTER, et al.,)
13 Defendants.)
14

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, submitted
16 a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1-1) and filed an application to proceed
17 *in forma pauperis*.

18 The matter of the filing fee was temporarily deferred and the complaint was reviewed by the
19 court pursuant to 28 U.S.C. § 1915A. That review resulted in the complaint being dismissed without
20 prejudice and with leave to amend. ECF No. 3. Plaintiff was given until November 25, 2012, to file an
21 amended complaint and was advised that if he did not amend the complaint the matter could be
22 dismissed. *Id.* As of the date of this Order, plaintiff has not filed an amended complaint or contacted
23 the Court in order to obtain additional time for that purpose. Therefore, the application to proceed *in*
24 *forma pauperis* shall be granted and the action shall be dismissed with prejudice. LR IA 4-1(d).

25 **IT IS THEREFORE ORDERED** the Application to Proceed *In Forma Pauperis* (ECF No. 1)
26 is **GRANTED**; no initial partial filing fee toward the full filing fee of three hundred fifty dollars
27 (\$350.00) shall be required. However, even if this action is dismissed, the full filing fee must still be
28 paid pursuant to 28 U.S.C. § 1915(b)(2).

1 **IT IS FURTHER ORDERED**, pursuant to 28 U.S.C. § 1915(b)(2), that the Nevada Department
2 of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
3 preceding month's deposits to plaintiff's account (inmate #1027735), in the months that the account
4 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the Court
5 shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall also
6 **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department
7 of Corrections, P.O. Box 7011, Carson City, NV 89702.

8 **IT IS FURTHER ORDERED** that the complaint is **DISMISSED WITH PREJUDICE** for
9 failure to comply with the order of the Court and for failing to state a claim upon which relief may be
10 granted. **This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g)** The Clerk shall enter
11 judgment accordingly.

12 DATED this 28th day of January, 2013.



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LARRY R. HICKS
15 UNITED STATES DISTRICT JUDGE

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